

# Notice of Allowability

Application No.

09/873,222

Examiner

Wes Tucker

Applicant(s)

MILLER ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed Jan. 15 2007.
2. ☒ The allowed claim(s) is/are 4,5 and 12-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's Appeal Brief filed January 15<sup>th</sup> 2007 has been entered and made of record.
2. Claims 4-5 and 12-15 are pending.
3. Applicant's arguments have been considered and are found to be persuasive in distinguishing the claims from the prior art. The Application is accordingly in condition for allowance. Reasons for allowance are given below.

### ***Allowable Subject Matter***

4. Claims 4-5 and 12-15 are allowed.

The following is an examiner's statement of reasons for allowance:

Applicant arguments filed in the Appeal Brief adequately describe the distinctions made between the claims and the cited prior art. In summary, neither Shiota nor Echerer teach or fairly suggest the specific process of:

*"receiving a digital image packet directly from a customer via a network, wherein the digital image packet includes a digital image from a digital camera and a customer preference parameter;*

*selecting a remote digital enhancement or editing system according to the customer preference parameter;*

*transmitting the digital image packet to the selected remote digital image editing system;*

*enhancing the digital image at the selected remote digital image editing system based on the customer preference parameter; and*

*transmitting an enhanced digital image packet to the customer via the network, wherein the enhanced digital image packet includes an enhanced digital image and an enhancement description packet that describes the enhancements made for each of the digital images."*

Shiota discloses a system for using customer preferences to process images at remote sites, but mainly for the purposes of printing processing the photo images. Shiota does not teach or fairly suggest enhancing the digital version of the image so as to transmit the enhanced digital image back to the user in a specific enhancement packet format.

Ecsherer teaches the process of enhancing digital medical images such as X-rays and transmitting the images along with a record of enhancement of said images among user, but is not in the environment of personal photos or images like that of Shiota and the invention disclosed in the claims.

No other found prior art of record teaches or fairly suggests the process defined in the claims. Independent claims 4 and 12 and subsequent dependent claims are accordingly allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Relevant Art***

5. The following relevant art documents have been cited as being relevant. None of these patents teach or fairly suggest the invention as claimed.

US Patent Publication 2004/0071369 A1 to Onishi discloses a network image processing system.

US Patent 7,031,965 to Moriya teaches an image retrieving and delivering system.

US Patent 7,136,528 to Edwards et al. teaches a remote editing of images to be delivered to a user.

US Patent 7,082,227 to Baum et al. teaches a remote processing of images from print processing that enables user selection

US Patent 7,218,776 to Sowinski et al. teaches photofinishing services allowing user input.

**Conclusion**

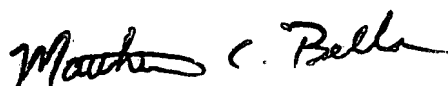
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wes Tucker whose telephone number is 571-272-7427. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wes Tucker

5-22-07



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